



Illinois Department of Natural Resources

One Natural Resources Way Springfield, Illinois 62702-1271
<http://dnr.state.il.us>

Pat Quinn, Governor

Marc Miller, Acting Director

May 6, 2009

Frederick W. Thaete
Manhard Consulting, Ltd
900 Woodland Parkway
Vernon Hills, IL 60061

Gary Bingenheimer
IEPA
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794

RE: Fish Lake Road and Molidor Road Water Main Extension
IDNR Project #0909947

Dear Mr. Thaete and Mr. Bingenheimer:

This letter concerns the Endangered Species Consultation for the Fish Lake Road and Molidor Road Water Main Extension located in Volo. This project was submitted for consultation in accordance with the *Illinois Endangered Species Protection Act* [520 ILCS 10/11], the *Illinois Natural Areas Preservation Act* [525 ILCS 30/17], Title 17 *Illinois Administrative Code* Part 1075 and Part 1090.

The project will install public water main along Fish Lake Road and Molidor Road utilizing open-cut excavation and directional boring methods as appropriate to avoid wetland impacts.

The Department has completed its review of the project and determined that the action is likely to have an adverse impact on Fish Lake and Marl Flat Forest Preserve Illinois Natural Areas Inventory (INAI) site and Blanding's Turtle (*Emydoidea blandingii*).

To minimize these impacts, the Department recommends the following measures be implemented by Manhard Consulting, Ltd. and incorporated in the IEPA's project authorization.

1. All installation should be on the East side of Fish Lake Road to avoid impact to the INAI site, hydrology and aquatic resources.

2. To prevent turtles from entering construction areas, exclusionary fencing should be in place from the end of March and remain until October. Daily inspections should occur for the first two weeks and then be maintained weekly throughout the construction period to ensure the exclusionary fencing has been properly installed (dug into the ground) and to check if any turtles are present. All trenches and excavations should be securely covered at the end of each day's work. Trenches, excavations, and fencing will need to be inspected each morning by trained personnel, prior to work commencing, to ensure that reptiles and amphibians are not present or trapped.

3. If a Blanding's Turtle is encountered near, or within the project area during construction, project work needs to cease and the Department and McHenry County Conservation District (MCCD) should be immediately notified. The same should be employed if a turtle is discovered once the facility is built. Incidental Take Authorization from the Office of Resource Conservation may be necessary if this species is encountered within the project area.

Wetland Review

A review of the National Wetlands Inventory (NWI) maps, indicates the presence of many wetlands within at least 250 feet of the project limits. **The department recommends that all work take place east of Fish Lake Road.** To determine whether further coordination with IDNR will be necessary, assessments by the applicant are needed. It is important to note that although IDNR review of NWI maps is a good indication of possible wetland impacts, it is the responsibility of the applicant to confirm wetland impacts through field assessments and reviewing detailed design plans. NWI maps and brief project descriptions submitted to our office are used strictly for cursory reviews.

If, upon site assessment, it is determined a wetland is located within the construction limits, but is 1) a maintained road right-of-way, or 2) zoned and utilized in its entirety for R1, R2, C1, C2, I1, I2 or other developed categories, and 3) each of the following construction conditions exist, the Interagency Wetlands Policy Act classifies the impacts as minimal, and the 1:1 mitigation requirement will have to be met. For example, if the wetland in question is a drainage ditch with cattails, and 10 feet of the area is disturbed for the installation of the water main, restoring the ditch to its original contour and allowing cattails to re-establish within the ditch (in conjunction with the standards listed below), will meet the 1:1 mitigation requirement.

Each of the following criteria must be applicable to the project for compliance with the Act:

- * Pre-existing wetland conditions are restored;
- * The trench width required for construction is less than 10 feet;
- * Erosion control measures meet either the specifications established in the "Green" book for erosion control in construction sites or the requirements of the NPDES Construction Site Activities permit;
- * The original grade and contour are established within 30 days and the area reseeded within 7 days after surface grading occurs, or if construction occurs outside of the growing season, state-of-the-art soil erosion control measures are in place;
- * Any wetland tree removal is less than 4" dbh;
- * Stockpiling of soil and storage of construction equipment occur outside of the wetland.

If the above criteria cannot be incorporated into the construction plans, additional mitigation may be necessary. Please notify this agency in writing only if the above standards cannot be incorporated into this project.

Consultation on the part of the Department is terminated. In accordance with 17 Ill. Adm. Code 1075.40(h), the [agency] must notify the Department of its decision regarding these recommendations, whether they will:

- Allow the action to proceed as originally proposed;
- Require the action to be modified per Department recommendations (please specify which measures if not all will be required); or
- Forgo the action.

Consultation for Part 1075 is valid for two years unless new information becomes available that was not previously considered, the proposed action is modified, or additional species, essential habitat, or Natural Areas are identified in the vicinity. If the project has not been implemented within two years of the date of this letter, or any of the above listed conditions develop, a new consultation is necessary. Consultation for Part 1090 (Interagency Wetland Policy Act) is valid for three years.

The natural resource review reflects the information existing in the Illinois Natural Heritage Database at the time of the project submittal, and should not be regarded as a final statement on the site being considered, nor should it be a substitute for detailed site surveys or field surveys required for environmental assessments. If additional protected resources are encountered during the project's implementation, you must comply with the applicable statutes and regulations. Also, note that termination does not imply IDNR's authorization or endorsement of the proposed action.

Please contact me if you have questions regarding this review.

Sincerely,

Tracy Evans
Impact Assessment
(217) 782-7940